

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

THOMAS A. FLUHARTY, et al

Plaintiffs,

v.

PEOPLE'S BANK, NA, et al

Defendants.

Case No: 3:17-cv-4220

**PEOPLES BANK'S LIMITED RESPONSE TO JOINT
MOTION FOR CONTINUANCE OF SCHEDULING ORDER**

AND NOW, comes Defendant, Peoples Bank, by and through the undersigned counsel, Bernstein-Burkley, P.C., and files this Limited Response and Consent to the Joint Motion for Continuance of the Scheduling Order in this matter and states in support thereof as follows:

1. Peoples Bank consents to the relief requested by the Joint Motion for Continuance consisting of a 90-day extension of certain litigation deadlines set forth in the current Scheduling Order, with two caveats:

a. That Peoples Bank's consent to the Joint Motion for Continuance should not be construed as a waiver of its right to conduct discovery in any other currently pending related bankruptcy proceeding, Adversary Proceeding or other legal action of any kind. Peoples Bank expressly reserves all rights to conduct discovery in any other currently pending or future legal action, regardless of the nature of the action or the subject of the requested discovery; and

b. That Peoples Bank's consent to the Joint Motion for Continuance shall not be construed or understood in any way as a request by the Bank that this Court either stay or delay ruling on its pending Motion to Dismiss.

Dated: August 20, 2018

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/John J. Richardson

John J. Richardson, Esquire

707 Grant Street

Suite 2200 Gulf Tower

Pittsburgh, PA 15219

(412) 456-8107 Telephone

(412) 456-8135 Facsimile

jrichardson@bernsteinlaw.com

Counsel for Defendant People's Bank, NA

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2018, the foregoing Joinder and Limited Response was served via the Court's CM/ECF upon all counsel of record.

BERNSTEIN-BURKLEY, P.C.

By: /s/John J. Richardson
John J. Richardson, Esq.